



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

November 12, 2004

RECEIVED

NOV 15 2004

CEQA Compliance

Cher Daniels
California Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001

Subject: San Quentin State Prison Condemned Inmate Complex
SCH#: 2003122003

Dear Cher Daniels:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 10, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003122003
Project Title San Quentin State Prison Condemned Inmate Complex
Lead Agency Corrections, Department of

Type EIR Draft EIR
Description The California Department of Corrections proposes to construct a new condemned male inmate complex (CIC) on an approximate 40-acre site within the existing boundaries of San Quentin State Prison, which would provide 1,024 cells that could safely house 1,408 condemned male inmates. The CIC would be separated from the main prison by an outer patrol road, security fencing, and an inner patrol road. Elements of the project include high-mast lighting, program service buildings (i.e. correctional treatment center, housing units) and a kitchen.

Lead Agency Contact

Name Cher Daniels
Agency California Department of Corrections
Phone (916) 323-0731 **Fax**
email
Address P.O. Box 942883
City Sacramento **State** CA **Zip** 94283-0001

Project Location

County Marin
City Larkspur
Region
Cross Streets Sir Francis Drake Boulevard
Parcel No. 018-154-16
Township 1N **Range** 6W **Section** N/A **Base** SQSP

Proximity to:

Highways SR-101
Airports None
Railways NWP RR
Waterways San Francisco Bay / Corte Madera Channel
Schools Redwood High School
Land Use Light Agricultural Use / Zoned A2:B2 / Bayfront Conservation Zone

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Economics/Jobs; Fiscal Impacts; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Office of Emergency Services; Office of Historic Preservation; Department of Fish and Game, Region 3; Department of Water Resources; California Highway Patrol; Caltrans, District 4; San Francisco Bay Conservation and Development Commission; Department of Toxic Substances Control; Department of General Services

Date Received 09/27/2004 **Start of Review** 09/27/2004 **End of Review** 11/10/2004

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 1

Governor's Office of Planning and Research

Terry Roberts

November 12, 2004

- 1-1** The comment acknowledged receipt of the Draft EIR and enclosed comment letters of State agencies commenting on the Draft EIR. Please refer to subsequent comment letters for response to enclosed comment letters. No further response is necessary as no issues related to the environmental impacts of the project were raised.
- 1-2** The comment acknowledges that the CDC has complied with the State Clearinghouse requirements for draft environmental documents. No further response is necessary as no issues related to the environmental impacts of the project were raised.



Making San Francisco Bay Better

November 10, 2004

California Department of Corrections
Facilities Management Division
P.O. Box 942883
Sacramento, California 94283-0001

ATTENTION: Cher Daniels, Supervising Environmental Planner

SUBJECT: San Quentin State Prison Condemned Inmate Complex Project Draft Environmental Impact Report (State Clearinghouse Number 2003122003); Inquiry File: MR SP 7407.1

Dear Ms. Daniels:

San Francisco Bay Conservation and Development Commission (Commission) staff received the *San Quentin State Prison Condemned Inmate Complex Project Draft Environmental Impact Report* (Draft EIR) on September 29, 2004. The project would involve the construction of a new, condemned male inmate complex on an approximately 40-acre site within the existing boundaries of San Quentin State Prison located in an incorporated area of Marin County. At this time, only portions of the proposed project would be located within the Commission's jurisdiction including an outer perimeter roadway, an electrified fence, and a new outfall.

Commission's Jurisdiction

The description of the Commission's jurisdiction included in the Draft EIR incorrectly states that the Commission's Bay jurisdiction is measured up to the line of highest tidal action. In fact, the Commission's Bay jurisdiction extends to the mean high tide line in open water areas and to a line five feet above mean sea level, or to the extent wetland vegetation is present, in marshlands.

Advisory Bay Plan Policies on Appearance, Design and Scenic Views

Although the proposed inmate complex buildings would be located largely outside of the Commission's jurisdiction, the buildings would be seen from many locations along the shoreline and from the Bay. The Draft EIR includes extensive analysis of the visual impacts of the proposed project and concludes that both project alternatives, the Single Level Design Option and the Stacked Level Design Option, would have significant and unavoidable impacts to visual resources. As noted within the Draft EIR, the San Francisco Bay Plan policies on Appearance, Design and Scenic Views state, in part, that "[a]ll Bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore. Structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline." The policies also state that the Commission's Design Review Board, which is composed of design and planning professionals, should review, evaluate, and advise the

Ms. Cher Daniels
California Department of Corrections
November 10, 2004
Page 2

Commission on the proposed design of developments that affect the appearance of the Bay. Staff therefore recommends that the two project alternatives be evaluated by the Commission's Design Review Board to determine if any feasible measures could be implemented to mitigate impacts to views of and to improve the design and appearance of the proposed structures. While the appearance, design, and scenic views policies are only advisory in this case, because of the prominence of this site, staff believes that every effort should be made to have the facility designed to enhance, not adversely impact, views of the site to and from the Bay.

Public Access

The Draft EIR correctly outlines the *San Francisco Bay Plan* policies on public access, in particular that "...the maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline." The policies also state that where public access would be inconsistent with the proposed use, in lieu access at another location, preferably near the project should be provided. The Draft EIR identifies a possible location for public access at the popular wind surfing location along Sir Frances Drake Boulevard near the San Quentin State Prison west gate. Commission staff would be happy to discuss possible, appropriate improvements at this location, or others, as the project progresses.

Thank you for the opportunity to comment on the Draft EIR. Should you have any questions regarding the above comments, please feel free to call me at (415) 352-3618.

Sincerely,



ANDREA M. GAUT
Coastal Program Analyst

cc: State Clearinghouse; Attn: Katie Shulte Joung

Letter 2

State of California

San Francisco Bay Conservation and Development Commission

Andrea Gaut

November 10, 2004

- 2-1 The comment states that portions of the project would be located within the Commission's jurisdiction, including the outer perimeter roadway, electrified fence, and new outfall structure. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.
- 2-2 The comment clarifies the definition of the Commission's jurisdiction. This comment is acknowledged. Page 4.4-3 of the Draft EIR is revised as follows. This correction is also reflected in Chapter 4, "Corrections and Revisions to the Draft EIR."

Development in San Francisco Bay tidal areas (~~up to the line of the highest tidal action up to the mean high tide line in open water areas and to a line 5 feet above mean sea level, or to the extent wetland vegetation is present~~) and the Bay shoreline 100 feet landward and parallel to the line of highest tidal action (shoreline band jurisdiction) is subject to the jurisdiction of BCDC (a state agency under the jurisdiction of the California Resources Agency). The goals and policies of BCDC are established in the San Francisco Bay Plan (Bay Plan), which guides future protection and use of San Francisco Bay and its shoreline. The Bay Plan was completed pursuant to the McAteer-Petris Act of 1965 and adopted by BCDC in 1968. In 1969, the California Legislature designated BCDC as the agency responsible for maintaining and carrying out the provisions of the Bay Plan.

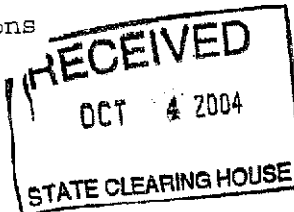
This comment does not alter any conclusions concerning the environmental impacts or mitigation measures of the project.

- 2-3 The comment recommends the Commission's Design Review Board review the two project alternatives (i.e., single-level and stacked design options), but acknowledges that any recommendations made would be advisory. This comment is acknowledged. CDC will coordinate with BCDC during the design process for the project, as described on page 4.1-18 of the Draft EIR. Please also refer to Master Response 2.
- 2-4 The comment expresses interest in discussing opportunities for public access improvements. Public access would not be affected by the project, and no mitigation related to this effect is proposed.

Memorandum

Date: September 30, 2004

To : Ms. Cher Daniels
Department of Corrections
Post Office Box 942883
Sacramento, CA 94283



Clear
11/10/04
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From : *D. Octalano*
Robert W. Floerke, Regional Manager
Department of Fish and Game - Central Coast Region, Post Office Box 47, Yountville, California 94599

Subject : San Quentin Condemned Inmate Complex Project, Sir Francis Drake
Boulevard, San Quentin Village, Marin County, SCH# 2003122003

The Department of Fish and Game (DFG) has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)¹. Therefore, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid before filing the Notice of Determination for this project.

Native oak trees impacted on site should be replaced at a 1:1 minimum ratio utilizing areas within the prison complex. This replanting would be away from any electrified fences to deter wildlife activity.

If you have any questions, please contact Mr. Liam Davis, Environmental Scientist, at (707) 944-5529; or Mr. Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

cc: State Clearinghouse

¹ <http://ccr.oal.ca.gov/>. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753

Letter 3

State of California
Department of Fish and Game
Robert Floerke
September 30, 2004

- 3-1** The comment states that an environmental filing fee would be required before submitting the Notice of Determination (NOD) for the project. This comment is acknowledged. CDC will submit appropriate filing fees before filing the NOD for the project.
- 3-2** The comment states that native oak trees removed from project site should be replaced at a minimum 1:1 ratio at a sufficient distance from the proposed electrified fence. Under either design option (single-level or stacked), the project would result in the removal of one native oak tree associated with construction of the proposed water line. This tree will be replaced at a 1:1 ratio within SQSP at a sufficient distance from the proposed electrified fence as determined by a qualified biologist.

Page 4.3-11, fourth full paragraph, is revised to read as follows:

The project would not substantially reduce the overall amount of wildlife habitat. Impacts on wildlife diversity and abundance would be minimal and the project would not substantially impede the movement of any wildlife species. Disturbed annual grassland and ornamental vegetation such as that found on the project site is common, both locally and regionally, and is not of special concern to resource agencies. One heritage oak tree may be removed because of construction of a water line, but CDC would either avoid or replace the oak tree on a 1:1 basis at an appropriate location within the SQSP property. The project's impact to existing vegetation and wildlife habitat on the project site would be less than significant (Impact 4.3-a).

- 3-3** The comment provides contact information for any further questions. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.

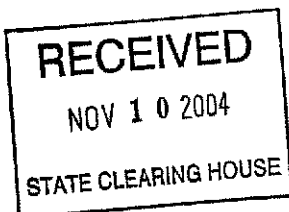
DEPARTMENT OF TRANSPORTATION

11 GRAND AVENUE
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5559
TTY (800) 735-2929



Flex your power!
Be energy efficient!

November 10, 2004



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MRN-580-2.63
MRN580026
SCH# 2003122003

Ms. Cher Daniels
Supervising Environmental Planner
Department of Corrections
PO Box 942883
Sacramento, CA 94283-0001

Dear Ms. Daniels:

San Quentin State Prison Condemned Inmate Complex Project – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the DEIR and have the following comments to offer:

1. Has the Department of Corrections (CDC) considered accommodating future commuter rail and ferry services (described in the San Quentin Vision Plan) into the proposed prison expansion by reserving land for these services? We recommend the CDC provide a copy of the DEIR to the San Francisco Bay Area Water Transit Authority and the Sonoma-Marín Area Rail Transit District (SMART) so that they will have the opportunity to provide comments on the proposed project.
2. We concur with the need to mitigate significant impacts to the Interstate 580 (I-580) eastbound on/off ramp intersection at Main Street. Mitigation Measure 4.12-a indicates that the CDC will contribute its fair-share contribution to install a new traffic signal at this intersection. Mitigation Measure 4.12-b states that the traffic signal would be installed before the peak project construction period.

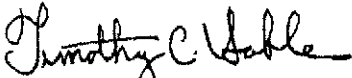
The City of San Rafael is just now in the process of establishing a traffic fee mitigation program to collect monies for funding transportation improvements and full funding for the traffic signal has not yet been identified or secured. In addition, the City has not yet identified this improvement in their transportation improvement program. Therefore, how will Mitigation Measure 4.12-a be implemented prior to peak project construction? Where will the remaining money come from to fund the traffic signal at this intersection?

3. The California Environmental Quality Act (CEQA) Public Resources Code Section 21081.7 requires that "transportation information resulting from the reporting or monitoring program adopted by a public agency" be submitted to the Department for a project of statewide, regional, or area-wide significance. To aid your agency in fulfilling this CEQA reporting requirement, the enclosed *Guidelines for Submitting Transportation Information from a Reporting or Monitoring Program to the California Department of Transportation and CEQA Lead Agency Checklist* are provided. The DEIR lists five mitigation measures for transportation-related impacts (Mitigation Measures 4.12-a through 4.12-e). Please complete and sign the Checklist form for the San Quentin State Prison Condemned Inmate Complex project that includes the above-mentioned transportation-related mitigation measures and return it to this office once the mitigation measures are approved, and again when they are completed.

We look forward to receiving a response to our comments at least ten days prior to certification of the EIR pursuant to Section 21092.5(a) of the CEQA.

Should you require further information or have any questions regarding this letter, please call Maija Cottle of my staff at (510) 286-5737.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

Attachments

c: State Clearinghouse



**Guidelines for Submitting
Transportation Information from a
Reporting or Monitoring Program to
the California Department of
Transportation**

for a
**Project of Statewide, Regional, or
Areawide Significance**

California Department of Transportation

July 9, 2004

GUIDELINES FOR SUBMITTING TRANSPORTATION INFORMATION FROM A REPORTING OR MONITORING PROGRAM TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (DEPARTMENT)

INTRODUCTION The California Environmental Quality Act (CEQA) requires, under Public Resources Code (PRC) Section 21081.6, the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA review process.

Assembly Bill 1807 (effective January 1, 2001) amended the PRC in a number of ways. Section 21080.4 was amended to add a requirement that lead agencies submit Notices of Preparation (NOPs) to the Governor's Office of Planning and Research when they determine that an environmental impact report will be required to approve a project.

Section 21081.7 was amended with two additional provisions. The first provision required that transportation information resulting from a reporting or monitoring program adopted by a public agency in accordance with Section 21081.6 be submitted to the Department of Transportation (Department) when a project has impacts that are of statewide, regional, or area-wide significance. The second provision required that the Department adopt guidelines for the submittal of those reporting or monitoring programs.

PURPOSE

The purpose of these guidelines is to establish clear and consistent statewide procedures to be used by both Department District Intergovernmental Review (IGR) Program Coordinators to identify the scope and timing of transportation information needed from lead agencies, and public agencies when submitting transportation information to the Department, in accordance with Section 21081.7.

PROCEDURES

A. The District IGR Program Managers and/or Coordinators shall:

1. Prior to implementation of mitigation measures:

- a. Notify the CEQA lead agency by letter during "early consultation," the Notice of Preparation (NOP) stage, or the Initial Study (IS) phase of the CEQA review process that the transportation information included in the reporting or monitoring program will need to be provided to the Department following project mitigation agreement.
- b. Provide the name, address, and telephone number of the District IGR contact to the lead agency.
- c. Provide, as an enclosure to the notification letter, a copy of these "Guidelines" and the Department's "CEQA Lead Agency Checklist/Certification" form. (Part 1 of the form, *Checklist*, is to be signed by the lead agency following project approval, and a copy submitted to the District along with the transportation reporting or monitoring information. Part 2 of the form, *Certification*, is to be signed by the lead agency and the District upon implementation of all agreed-upon mitigation measures.)

2. Following implementation of mitigation measures as identified in Part 1, *Checklist*, of the CEQA Lead Agency Checklist/Certification form, and certification of implementation by the lead agency in Part 2, *Certification*:

Ensure sign off of Part 2, indicating that the mitigation measures have been implemented.

- 1) If the project required encroachment onto a state highway, obtain the District Permit Engineer's signature in Part 2.
 - 2) If the project did not involve encroachment onto a state highway, the District IGR Coordinator shall sign Part 2.
-
-

- 3) The District IGR Coordinator shall: (a) Retain the original document; (b) forward a copy to the District Permit Engineer (if the Permit Engineer signed Part 2); (c) forward a copy to the Department's Headquarters IGR Program Manager; and, (d) send a copy to the lead agency.

B. The CEQA lead agency shall:

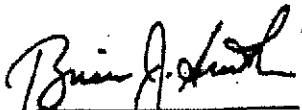
1. Following project approval:

Submit the following information to the Department District IGR contact:

- 1) Name, address, and telephone number of the CEQA lead agency contact responsible for the mitigation reporting or monitoring program.
 - 2) Location and custodian of the documents or other material, which constitute the record of proceedings upon which the lead agency's decision to approve the project is based.
 - 3) Assurances that the Department can obtain copies of the aforementioned documents and materials, if needed, to clarify details or resolve issues related to the mitigation adopted.
 - 4) Detailed information on impact assessment methods, the type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure included in the reporting or monitoring program.
 - 5) A copy of the "CEQA Lead Agency Checklist/Certification" form, with Part 1, *Checklist*, signed and dated, and the reporting or monitoring program transportation information attached or enclosed. The CEQA lead agency, at its discretion, may submit the complete reporting or monitoring program with the required transportation information highlighted.
-
-

2. Following implementation of mitigation measures:
 - a. Sign and date Part 2, *Certification*, of the "CEQA Lead Agency Checklist/Certification" form.
 - b. Forward the "CEQA Lead Agency Checklist/Certification" form, with appropriate completion documents attached, to the District IGR contact, certifying that the mitigation measures agreed upon and identified in the reporting or monitoring program have been implemented, and that all other reporting requirements have been adhered to, in accordance with PRC Sections 21081.6 and 21081.7.

APPROVED:


BRIAN J. SMITH
Deputy Director
Planning and Modal Programs

8-2-04
Date


LARRY ORCUTT
Acting Deputy Director
Maintenance and Operations

7-9-04
Date

CEQA LEAD AGENCY CHECKLIST/CERTIFICATION * TRANSPORTATION INFORMATION FROM A REPORTING OR MONITORING PROGRAM

Part 1 - Checklist

Project Name: _____
 Lead Agency: _____
 Lead Agency Contact (Name, Title, Agency, Address & Phone): _____
 State Clearinghouse (SCH) File #/s: _____
 Document Type/s: _____
 Findings & Approval Date/s: _____
 Project Proponent (Name, Title, Company, Address & Phone): _____

For each specific Transportation Related Mitigation Measure associated with this Project, The following information items are included in the attached materials:

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Location/Custodian Of CEQA Documents, Proceedings, Records
<input type="checkbox"/>	<input type="checkbox"/>	Description Of How To Obtain Copies Of Above Documents
<input type="checkbox"/>	<input type="checkbox"/>	Mitigation Measure Name & Identifying Number
<input type="checkbox"/>	<input type="checkbox"/>	Detailed Description of Measure & its Purpose (attach blueprints if necessary)
<input type="checkbox"/>	<input type="checkbox"/>	Measure Location Description, Latitude/Longitude, & Vicinity Map
<input type="checkbox"/>	<input type="checkbox"/>	Location of Impacted State Highway Component (County, Route, Postmile)
<input type="checkbox"/>	<input type="checkbox"/>	Caltrans Encroachment Permit Number (if one was needed)
<input type="checkbox"/>	<input type="checkbox"/>	Copy of Other Agency Permits required for this Measure (if needed)
<input type="checkbox"/>	<input type="checkbox"/>	Completion Criteria (including detailed performance objectives)
<input type="checkbox"/>	<input type="checkbox"/>	Implementation Schedule
<input type="checkbox"/>	<input type="checkbox"/>	Estimated Monetary Value of Completed Measure & % Local Agency Funded
<input type="checkbox"/>	<input type="checkbox"/>	Responsible Contractor (Name, Company, Address & Phone)

The above project mitigation measures will be implemented as indicated in the adopted reporting or monitoring program, and the California Department of Transportation will be notified upon implementation.

CEQA Lead Agency _____

Date _____

Part 2 - Certification

We certify that the agreed upon mitigation measures have been implemented, and all other requirements have been adhered to, in accordance with PRC Sections 21081.6 and 21081.7. Attached: 1. Completion evaluation (including field inspection reports); 2. Photograph of completed measure.

Signature _____

& Date: _____

Name: _____

Title: _____

CEQA Lead Agency

California Department of Transportation

This form is to be used by public agencies to submit their mitigation reporting or monitoring programs to the California Department of Transportation (Department) when a CEQA project has been found to have transportation or circulation impacts that are of statewide, regional, or area-wide significance. Copies of this form, and the Department Guidelines developed pursuant to PRC Section 21081.7, can be downloaded from our website (http://www.dot.ca.gov/hq/tpp/offices/evr/evr_guidelines_procedures.htm). Completed form with attached materials may be post-mailed, e-mailed, or faxed to the appropriate Department District Planning Office, Attention: Intergovernmental Review (IGR) Coordinator. (Form Version 07/2004)

Letter 4

**State of California
Department of Transportation
Timothy Sable
November 10, 2004**

- 4-1** The comment questions whether CDC has considered accommodating commuter rail or ferry services at the site and recommends submitting a copy of the Draft EIR to the San Francisco Bay Area Water Transit Authority and the Sonoma-Marín Area Rail Transit District. The purpose of the project is to address current and projected shortages of celled capacity to safely and securely house condemned inmates at SQSP. The comment regarding provision of commuter rail or ferry services is not relevant to the environmental analysis presented in the Draft EIR. Furthermore, there is not enough land on the site to accommodate the project and commuter rail infrastructure or a ferry terminal, and even if there were, placement of such a facility with its high public use would be inconsistent with the security needs of a maximum security prison.

Copies of the Draft EIR have been forwarded to local and regional transportation agencies (e.g., Caltrans, Metropolitan Transportation Commission, Marin County Department of Public Works, etc.) for review and comment. Responses to comments received by those agencies are provided in this document.

- 4-2** The comment asks how Mitigation Measure 4.12-a would be implemented before peak project construction. CDC intends to install the signal before the peak of construction, but it is acknowledged that most construction traffic will be required to use the west gate. Thus, if there is a delay in construction of the signal, construction traffic would not be expected to substantially affect this intersection. Please refer to response to comment 10-11.
- 4-3** The comment provides guidance for compliance with mitigation requirements. This comment is acknowledged. CDC will submit all appropriate forms for approved mitigation as required.



Terry Tamminen
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

November 10, 2004

Ms. Cher Daniels
Supervising Environmental Planner
Department of Corrections
P.O. Box 942883
Sacramento, California 94283-0001

Dear Ms. Daniels:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the San Quentin State Prison Condemned Inmate Complex Project (SCH # 2003122003). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any remediation of hazardous substance releases that may be necessary.

In Section 4.7 of the Draft EIR, Hazards and Hazardous Materials, it was discussed that additional sampling will be conducted at the Scrap Metal and Recycling Area, Wastewater Treatment Plant, Detergent Plant, and Landscape Area and that the California Department of Correction (CDC) will prepare a site plan that identifies necessary remediation activities appropriate for the proposed land uses. The Draft EIR does not address potential impacts associated with the cleanup activities that are to occur as part of the project. Because additional sampling is required and a site cleanup plan has not yet been prepared, the scope of the cleanup and associated impacts are not yet known. If these potential impacts will be addressed by a separate CEQA document done in connection with the cleanup plan, this should be stated in the Draft EIR. Potential cleanup impacts or issues that may need to be addressed in the Draft EIR or a separate CEQA document include the following: (1) potential air and health impacts from excavation activities; (2) applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3) transportation impacts from the cleanup activities; and (4) risk of upset should there be an accident at the Site during implementation of cleanup activities.

Ms. Cher Daniels
November 10, 2004
Page 2

Please contact Claude Jemison of my staff at (510) 540-3803 if you have any questions
Thank you in advance for your cooperation in this matter.

Sincerely,

Mark E. Piros

Mark E. Piros, P.E.
Unit Chief
Northern California Coastal
Cleanup Operations Branch

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Letter 5

State of California
Department of Toxic Substances Control
Mark Piros
November 10, 2004

- 5-1** The comment states that the Draft EIR does not address potential impacts associated with soil cleanup activities. The Draft EIR acknowledges that significant impacts could occur because of exposure to potential hazardous materials on-site (see page 4.7-7 of the draft EIR). Mitigation is proposed, including preparation of a Health and Safety Plan, compliance with OSHA and Cal-OSHA requirements for air monitoring and exposure to asbestos and lead-based paint, and excavation and disposal of contaminated soil at appropriate off-site facilities. Additionally, a site plan would be prepared to minimize potential hazard impacts to construction workers from on-site contaminated soil. The site plan would identify the measures that would be necessary for contractors to implement in the event that soil or groundwater contamination is uncovered or otherwise discovered during project construction activities (please see Mitigation Measure 4.7-a, page 4.7-7, of the Draft EIR).

Subsequent to the circulation of the Draft EIR, CDC directed the preparation of a soil and groundwater investigation to further characterize the potential presence of contaminated soil and groundwater at the project site. At the direction of CDC, the engineering firm of Winzler & Kelly performed field work that included collection of soil and groundwater samples from five areas at the site: (1) recycling area, (2) wastewater treatment plant, (3) detergent plant, (4) landscape and pest control area, and (5) outside maintenance area. The results of this investigation were summarized in the *Pre-Construction Soil and Groundwater Characterization Report* for the SQSP CIC Project (Winzler & Kelly 2005), and this document was submitted to the Regional Water Quality Control Board (RWQCB) for review.

The *Pre-Construction Soil and Groundwater Characterization Report* found that the shallow soil (0.5- to 1-foot deep) in the landscape area and the soils located between the detergent plant building and the recycle area contain low levels of hydrocarbons (near native background concentrations). Their removal would be handled and disposed of in accordance with standard State and federal regulatory requirements. No unusual remediation activities are needed. In addition, groundwater samples in the vicinity of the detergent plant were reported to contain low levels of detergent. Levels are so low that the report recommended that dewatered liquids in this area can be discharged to the sanitary sewer system without any supplemental treatment. The investigation also found low concentrations of nitrogen and metals in the former drying beds at the wastewater treatment plant and recommended that these soils (up to a depth of 2 feet) be excavated and hauled off-site to an appropriate disposal facility.

Consistent with findings of the Phase I and II report (described in the draft EIR), the recent investigation found that contamination at the project site is limited geographically and is present at relatively low concentrations, such that its cleanup would not warrant a comprehensive clean-up plan. Activities recommended in the report are consistent with the general construction activities proposed for the project. It is estimated that soil clean-up activities would require the off haul of 60-cubic yards of soil, resulting in the generation of a total of three to four truck trips. These trips are not substantial and would not add up to the total daily trips associated with construction of the project, except on the 3 or 4 days when an additional truck trip would occur.

Furthermore, earth-moving activities (and associated air quality impacts) are well within total grading activities proposed for the project (estimated to be 200,000 cubic yards). Because the environmental impacts associated with these clean-up activities have been adequately evaluated in the Draft EIR, no additional analysis would be required.

To reflect some additional information provided in the report, Mitigation Measure 4.7-a has been revised as described below, and this information is presented in Section 4, "Corrections and Revisions to the Draft EIR," of this document. This revision does not alter the conclusions presented in the Draft EIR.

Page 4.7-7, Mitigation Measure 4.7-a, the following bullet is revised as follows:

- ▶ **Detergent Plant.** Before site grading and excavation of soils in the vicinity of the detergent plant and landscape area, additional soil samples will be collected and analyzed for petroleum hydrocarbon content. If laboratory analysis indicates elevated levels of petroleum-hydrocarbons, the findings will be forwarded to the RWQCB for their review. If the RWQCB indicates that the soils should be handled as a hazardous waste, excavated soils will be stockpiled on plastic sheeting. Further remediation, if necessary, and disposal of the soils will be conducted in accordance with State and federal guidelines. Because groundwater pumped from the detergent plant area may contain low levels of detergent, any contaminated groundwater encountered will be discharged to the sanitary sewer system after obtaining the appropriate discharge permits.



CENTRAL MARIN SANITATION AGENCY

Jason R. Dow, P.E.
General Manager

1301 Andersen Drive, San Rafael, CA 94901-5339

Telephone No. (415) 459-1455

Fax No. (415) 459-3971

November 9, 2004

Gary Jacobs, AICP
Project Director
EDAW, Inc.
2022 J Street
Sacramento, CA 95814

Re: CMSA comments on Draft EIR for San Quentin State Prison Condemned Inmate Complex Project

Dear Mr. Jacobs,

Central Marin Sanitation Agency (CMSA) appreciates the opportunity to provide comment on the Draft Environmental Impact Report (DEIR) for the San Quentin State Prison Condemned Inmate Complex Project. We have reviewed the pertinent sections of the DEIR that we believe will affect CMSA and have the following comments identified in this letter that we believe have not been adequately addressed.

The expected wastewater flow from the Condemned Inmate Complex (CIC) that you listed in your DEIR will result in an increased average dry weather flow of 0.21 mgd with a maximum day dry weather flow of 0.42 mgd for the additional 1,408 beds you have proposed. During the dry weather season, CMSA would be able to handle the increased flows you have estimated. CMSA has reached its treatment and hydraulic capacity during the wet weather season. Increased inflow and infiltration currently occurs during the wet weather season from the San Quentin State Prison (SQSP) collection system. We are concerned that the CIC may have additional inflow and infiltration that will be influenced by the construction techniques, type of pipe used, and maintenance of the additional collection system. This will require increased capacity that we currently do not have during the wet weather season.

We have informed SQSP of a problem that involves plastics release to the sanitary sewer for the past 10 years. Our understanding, based on inspections of SQSP and information provided to CMSA by prison staff, is that all meals are served in the cells for condemned prisoners and they dispose of food related plastic products by flushing them down the toilet.



This practice benefits SQSP by reducing vector attraction problems (ants, roaches, mice, rats, etc.) generated by plastic packaging of food items and condiments that contain leftover food residue. However, this adversely impacts CMSA.

We have identified the following concerns associated by SQSP plastics entering the collection system and treatment plant:

- Clogging of lines, pumps, strainers, and heat exchangers
- Plastics present in the solids we separate from the wastewater (biosolids) could jeopardize our current beneficial reuse land application program
- CMSA labor required for additional maintenance and cleaning activities
- Regulatory pressure and future regulatory requirements

All of these activities result in increased costs to CMSA and potentially jeopardize current practices and regulations that we must operate under.

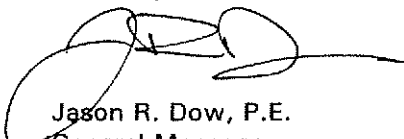
We recognize the past efforts from SQSP to minimize plastics released to the sanitary sewer by reducing their usage in the dining facilities and installation of auger washer monsters to remove captured plastics from the wastestream at the main pump station. We would like the following concerns addressed in greater detail in the EIR to address our plastics concerns:

- Plastics minimization efforts that will be implemented at the new facility
- Discussion of handling of wet garbage at the new kitchen including:
 - Sorting of wet garbage to remove plastics
 - Wet garbage sent to landfill
 - Utilization of current muffin monsters to grind up wet garbage and disposal of waste generated to the sanitary sewers
 - If additional muffin monster will be installed for new kitchen facility
- Design capacity of existing auger washer monsters
- Access for plastics inspections by CMSA Environmental Compliance Inspectors

The current SQSP Discharge Permit # S001-10 Part 6A has general discharge prohibition # 4 "Solid or viscous pollutants in amounts which cause obstruction to the flow in the water pollution control system and/or which require unusual attention or expense to handle in the water pollution control system" which would include the additional expense of plastics released to the sanitary sewer. This section is included in the CMSA Sewer Use Ordinance 3.B.1 which prohibits discharges "...which will require unusual attention or expense to convey and/or treat..." of which plastics would be included.

We sent a letter to the Associate Warden at SQSP, Sheila Petrakis, on September 14, 2004 of which no response has been received. The purpose of the letter was to address the presence of plastics in the wastestream from SQSP and to arrange a meeting to discuss possible solutions. Our concern is that the new facility will only increase an ongoing problem that is currently not being handled as effectively as possible. If you have any questions about these concerns please contact me at (415) 459-1455 ext 145.

Sincerely,



Jason R. Dow, P.E.
General Manager

JRD:RNC

Letter 6

Central Marin Sanitation Agency

Jason Dow

November 9, 2004

- 6-1** The comment expresses concern regarding the increased inflow and infiltration that would occur within the SQSP wastewater collection system and indicated that no additional wet weather capacity exists.

CDC acknowledges that wet weather capacity of the existing sewer system is constrained. As described in Appendix F (page 21) of the Draft EIR, the wastewater pump station will be upgraded and the transmission line relocated. The existing force main pipeline at the project site would be realigned and replaced with a force main pipeline built to the latest design standards and constructed of polyethylene pipe with fuse welded joints with air release valves. This design will allow for ground settlement and pressure build-up within the system and would prevent future leaks or breaks within the pipes. The existing sewer collection piping that will be replaced within the CIC site is old and made of either concrete or clay. Accordingly, the existing sewer pipe may be cracked or have broken or misaligned joints which could be contributing to the infiltration/inflow into the collection system. Therefore, with the implementation of the project, inflow and infiltration to CMSA's wastewater system would not increase and would likely decrease. The project would not increase demand for wet weather conveyance capacity above existing conditions.

- 6-2** The comment expresses concerns regarding the existing release of plastics from SQSP to the sanitary sewer and requests that the Draft EIR discuss proposed plastic handling techniques at the proposed CIC.

In December 2004, CDC and CMSA representatives met to discuss CMSA's concerns regarding the release of plastics and other trash into the sanitary sewer system. A letter from CMSA, dated January 4, 2005, details the outcome of this meeting and actions that will be implemented by CDC to improve this existing condition. The following summarizes actions to minimize the release of plastics to the sanitary sewer system that have recently been implemented or will be implemented before construction of the CIC.

- All garbage and trash generated at SQSP shall be disposed by means other than discharge to the sanitary sewer. CDC shall develop and implement a plastics reduction plan at SQSP to reduce the usage of plastics in the inmate bag lunches and the products that are available at the canteen.
- SQSP initiated a pilot program in December 2004 to haul away their trash from meal services and discontinue use of large grinders (e.g., muffin monsters) that were previously used to grind up food waste and trash for discharge to the sanitary sewer.
- Before the initiation of construction activities, CDC shall prepare and submit a detailed plan to CMSA that specifies trash handling and associated operations that would reduce or eliminate release of plastics and trash into the sanitary system at the new CIC.

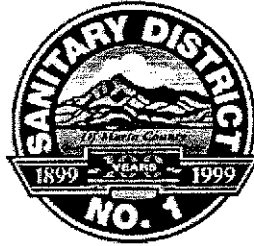
- 6-3** The comment expresses concerns regarding existing plastics handling at the SQSP. Please refer to the response to comment 6-2.

2000 LARKSPUR LANDING CIRCLE

LARKSPUR, CA 94939-1828

(415) 461-1122

FAX: (415) 461-4715



Barry Hogue
District Manager

DIRECTORS:
Brian P. Oliva
Donna Bjorn
Steven Yanni
Sue MacMillan
Sue Brown

Ross Valley Sanitary District

October 25, 2004
Ms Cher Daniels
Supervising Environment Planner
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
SQSPDEIRComments@edaw.com
FAX: 916-323-9086

Re: DEIR for SQSP CIC Project

Dear Ms Daniels:

We have reviewed the Environmental Impact Report for the proposed Condemned Inmate Complex Project and have the following comments.

On March 24, 2004 when we met with Geoff Marmas of Kitchell and Matt McKamey and Marc Salomon from Winzler & Kelly we never indicated that the San Quentin pump Station and the existing Force Main had adequate capacity to serve the project as was mentioned on the report.

It was of great surprise that our concerns were not taken in consideration and that after a not accurate and reliable approach method to estimate the future wastewater flows it was concluded that the future CIC project would not have any impact on the existing facilities to convey and treatment of the project-related wastewater flows.

The report only take in consideration the steadily increase of water use at the SQSP but inconsistently do not consider that with the increase of water that the wastewater generated would also be increased.

The CDC-San Quentin pump Station not only convey flows that gravity flow from the SQSP but also from the San Quentin Village which is pumped into the CDC-San Quentin facility where it then gravity flows by gravity to the CDC-San Quentin pump Station. Much of these gravity lines are near 100 years old and made of VCP which is prone to cracking and root intrusion, allowing substantial Infiltration/ Inflow into the system.

As a net result of these system characteristics, the existing sewer system experiences significantly increased flows during wet weather with peak hour flows that measured at roughly 10 times average dry weather flows in the system. These increased wet weather flows place additional burden on the treatment facilities at the Central Marin Sanitation Agency (CMSA) which in recently large storms have nearly exceed discharge capacity.

In addition, the relocation of the existing Force Main to a new location so close to the Bay makes us very concerned of future environmental impact in case of a rupture of the pipeline.

Not all these physical realities were taken in consideration when estimating wastewater flows or relocating the Force Main and we feel that it was not realistic of the real impact of the CIC project would be.

If you have any questions regarding these matters, please contact the office.

Very truly yours,

Ana M. Bernardes, P.E.
Project Engineer

Cc: Barry Hogue

Letter 7

Ross Valley Sanitary District

Ana Bernardes

October 25, 2004

- 7-1** The comment expresses concerns regarding the ability of the SQSP pump station to accommodate wastewater flows from the CIC, existing SQSP facilities, and San Quentin Village, including infiltration and inflow. In a follow-up meeting between CDC and Ross Valley Sanitary District (RVSD) on November 29, 2004, staff of RVSD clarified their concerns by stating that the Draft EIR did not address infiltration/inflow deficiencies in San Quentin Village and that the project should include upgrades to the existing wastewater conveyance system to resolve existing deficiencies in the system. San Quentin Village is an established residential community of approximately 46 homes located just north of the main gate to SQSP. These homes are not located on state property and lie entirely within the jurisdiction of Marin County. Because CDC has no jurisdiction over San Quentin Village, CDC has no budget or authority to correct infiltration/inflow deficiencies in this area. Marin County would have jurisdictional authority to correct these deficiencies.

The Draft EIR evaluated the wastewater pumping and conveyance needs for the CIC and existing SQSP facilities under budgeted and maximum design conditions. As described on page 4.11-6 of the Draft EIR, under budgeted population levels, the project would not result in an increase in wastewater flows generated at SQSP, and the status quo would be maintained. Under maximum population levels (i.e., 7,358), the project would increase the volume of wastewater generated at SQSP by approximately 0.21 million gallons per day (mgd) average dry weather flow (ADWF) and 0.42 mgd maximum day dry weather flow. Based on a recently completed pump capacity test, the existing SQSP pumping station has capacity available to handle these flows and would not require expansion; however, because of its age, some minor upgrades to electrical instrumentation and controls may be required. Appropriate infrastructure is available or would be provided by CDC to adequately accommodate wastewater flows from the CIC and SQSP. Furthermore, wastewater pipelines located at the Ranch would be replaced with new pipes that would reduce the volume of inflow and infiltration to the system. Therefore, no additional analysis would be required. Please refer to response to comment 6-1.

- 7-2** The comment expresses concern with regard to the relocation of the existing force main near San Francisco Bay and potential rupture of the pipe. The proposed force main would be constructed of high density polyethylene (HDPE) piping with flexible welded joints. HDPE piping is a strong, flexible, and reliable piping product that is commonly used in many State and local infrastructure projects (e.g., utility corridors, waterlines, wastewater conveyance lines). The proposed force main would be built according to the latest design standards and would include features (e.g., flexible joints, air release valves) that would allow for ground settlement or pressure buildup within the system. Because the proposed force main would be designed to the latest standards and would incorporate features to prevent the failure of the system, there would be minimal risk of rupture. Rupture of the line and subsequent leakage to the bay is not a foreseeable impact of the project.